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Date of Fax: June 21, 2005
Transmission

Total Number of Pages: 9
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Regarding

Inventor: Timothy E. McCue et al
Title: Adjustable Hinge
Filed: April 22, 2004
Serial No: 10 / 828,589

Item

Response to Office Action dated March 22, 2005

Attachments:

Response to Office action (7 pages)
Form PTO/SB/21 - Transmittal Form (1 page)



PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0631-0031

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

7

Application Number

10 / 828,589

Filing Date

April 22, 2004

First Named Inventor

Timothy E. McCue et al

Art Unit

3877

Examiner Name

Judy J. Swann

Attorney Docket Number

ENCLOSURES (Check all that apply)

Fee Transmittal Form



Fee Attached



Amendment/Reply (7)



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/
Incomplete ApplicationReply to Missing Parts
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional Application

Power of Attorney, Revocation



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Terminal Disclaimer



Request for Refund



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After Allowance Communication to TC

Appeal Communication to Board
of Appeals and InterferencesAppeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify
below):

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

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Joseph E. Funk

Date

June 21, 2005

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25,974

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10/828,589 - Adjustable Hinge - Timothy E. McCue & Joseph R. McCue

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Timothy E. McCue et al
Serial No.: 10/828,589
Filed: April 22, 2004
Title: Adjustable Hinge

Date: June 21, 2005
Group Art Unit: 3636
Examiner: Jackson, Andre L.

HON. COMMISSIONER OF PATENTS AND TRADEMARKS
WASHINGTON, D.C. 20231

RESPONSE TO FIRST OFFICE ACTION

This paper is in response to an Office Action dated March 22, 2005.

COMMENTS

The Examiner first rejects claims 1, 2, 5, 6, 9 and 11-14 under 35 U.S.C. 102(b) as being anticipated by USPN 398,636 to Mallory. Continuing, the Examiner states that:

"Mallory discloses an adjustable hinge for mounting a door to a fixed structure, comprising;"

"A first plate (g) that is attached to the fixed member; a second plate (a) that is attached to the door; a hinge pin (f); and a first connecting member (m, n) associated with the first plate and having a hole through which the hinge pin passes to pivotally attach the first connecting member to the first plate, the first connecting member having an extension (h); a second connecting member (b) associated with the second plate and having a hole through which the first connecting member extension passes; wherein the hinge pin is used as an adjustment to move the first connecting member along the hinge pin and thereby adjust the position of the door with respect to the fixed member in the vertical direction; and wherein the position of the second connecting member is changed with respect to the first connecting member extension to thereby adjust the position of the door with respect to the fixed member in a horizontal direction."

The applicant has deleted claims 1 - 10 & 13, and has amended claim 11 to merge claim 13 therein. Because of the deletion of claims and amendments to other claims the Examiner's